FOR MYSORE STATE

Revenue (1954) Department.

4705

MS SERIES

G.O. NO. 2032

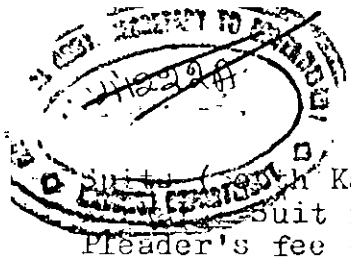
Passed

Subdt

Dated 27-7-54

[Despatch Abstract.]

Suits - (South Kanara) - OS NO 60/51 on the file of the District Munsif Karkal - Pleader fee - Enhancement - Not agreed to



46967E-1
2.7.54

Revenue Department.
Subject.

- - -

Suits (South Kanara) O.S.No.560/51 on the file of the Dt. Munsif - Suit filed by Sri Venkappa alias Keshava Karantha - Pleader's fee - Enhanced rate -

- - -

Madras. Bd's Ref.B.No.2177/54-1. Dated:- 5-6-1954.

- - -

Sri A. R. S. Sattianathan, I.C.S., Commissioner of Land Revenue.
Sri P. Sivasankaran Pillai, I.A.S., Secretary, Board of Revenue.

- - -

Read:- From the Collector of South Kanara, Ref.Spl.C.B.6/52, dated 25-4-1954.

- - -

REFERENCE:--

Submitted to Government.

2. The Pleader for Government work at Karkal who conducted the defence of the Suit O.S.No.560/51 on the file of the Dt. Munsif, Karkal, requests that a special enhanced fee of Rs.50/- for the work done by him may be granted to him, as the fee fixed by the Collector is not adequate. According to G.O.No.1589, Home,, dated 13-5-1953, in exceptionally difficult cases, fees at rates higher than the regulation fee or the fee allowed by the Court may be paid with the sanction of the Government. As the case is not a difficult one and as he is not entitled to fees for scriptory work and postage stamps and stationery, the Board does not therefore see sufficient reason to recommend the grant of the enhanced fee of Rs.50/- to the Pleader in question.

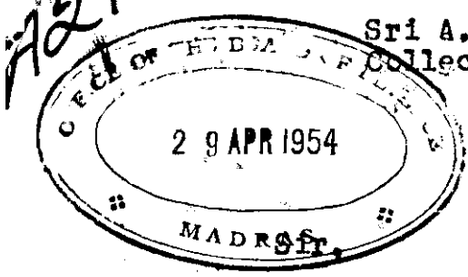
for Secretary. 6.54

To The Secretary to Government, Revenue Department, Madras.
with encls., in original.

rm.5/6.

Ref.Spl.C.B.6/52-A3. S.Kanara Collector's office,
Mangalore dated 25.4.54.

A2147



From

Sri A.Mahalingam Chettiar, I.A.S.
Collector of South Kanara.

To

The Secretary to Government
Home Department,
Fort St. George Madras 9
Through
The Secretary to the
Board of Revenue
Land Revenue Chepauk Madr

B3

SUITS: (South Kanara)- O.S.No.560/51 on the file of the Dt. Munsif Karkal.- suit filed by Sri Venkappa alias Keshava Karantha- Pleaders fee- payment at enhanced rate- sanction request.

Ref: 1.B.P.Mis.414 dated 5.4.52.
2.B.P.Mis.65 dated 22.1.54.

The defence of the above suit was sanctioned by the Board in its proceedings first cited and its result with copies of the decree and judgment was reported by me in my Ref.Spl.C.B.6/52-A3 dated 28.2.1954. The Board sanctioned the filing of the appeal against the decree and judgment in its proceedings cited second. The appeal suit No. 34/54 before the District Judge South Kanara is now pending.

2. A copy of the decree in O.S.No.560/51 would show that the court has fixed the pleader's fee at Rs.25/- The value of the suit claim is Rs.247-8-0 and the pleader's fee allowable under the rules relating to the Legal practitioners fees is Rs.25/- Thus the fee allowed by the court is in order. But the Pleader for Governme Karkal who has conducted the defence of the suit in the lower cour represents that the suit was a complicated one, that he had to send the entire records of the case to this office several times by post for which he had to spend a considerable amount for postage and correspondence, that during the pendency of the suit the plaintiff filed a petition before the Collector proposing certain suggestions for settlement of the suit which was referred to him for his remarks and that he had to go through the entire bundle of records for offering remarks spending considerable amount of time and labour. He adds that he had spent nearly Rs.15/- for typing charges and clerk's fee as several pleadings had to be filed in this case, that the trial of the suit was long and protracted as it commenced on 3.8.53 and proceeded on 4.8.53, 5.8.53, 6.8.53, 7.8.53, 14.8.53, 20.8.53, 29.8.53 21.9.53, 5.10.53, 6.10.53, 9.10.53, 10.10.53 and 19.10.53, and that considerable amount of labour was involved for the trial and arguments. After the case was disposed of, he had also to draft the memorandum of appeal on behalf of the Govt. Thus he feels that the pleader's fee of Rs.25/- fixed by the court is quite inadequate and requests that he may be allowed some special enhanced fees for the work done by him in the suit. The reasons given by the Pleader for Government for claiming an enhanced fee are valid and his request is reasonable. According to the amendment issued in G.O.Ms.No.1589 Home dated 13.5.53 to S.O.12 of the Precis of standing orders relating to Law officers, in exceptionally difficult cases, fees at rates higher than the regulation fee or the fee allowed by the court may be paid to the Pleader with the sanction of the Government. Taking into consideration the circumstances reported by the Pleader for Government Karkal, I recommend that sanction may be accorded for the payment of an enhanced fee of Rs.50/- to the Pleader for Government Karkal in this case.

Yours faithfully,

For Collector.

45516 E2
26.5.54

46325A
30/6/54

30 JUN 1954
Office of the Board of Revenue
Chepauk, Madras-5. Dt. 30-6-54.

Post copy of telephonic message.

From
The Assistant Secretary(L.R), Board of Revenue.

To
The Assistant Secretary to Government. Revenue Department.

ASSISTANT SECRETARY TO GOVERNMENT
26 JUN
REVENUE DEPARTMENT

Sub: Suit (South Kanara) O.S.No.560/51 on the file of District Munsif - Karkal -suit filed by V. Venkatta alias Kesava Kamanthaya Pleader's fee enhancement.

Ref: Your telephonic message dated 21-3-54.

...

The subject matter of the suit is as follows:

The suit was against the cancellation of the assignment made in favour of one Sri Janab Mir Ibrahim Sahib for the construction of a house in Pranthya village of Karkal taluk for violating the condition of the grant.

/true copy/

For Asst. Secretary.

PLG/24/6.

Revenue Department.

From the Board of Revenue Ref.B.No.2177/54-1,
dated 5-6-1954.

G.O. M.S. NO. 2032 DATED 27-7-1954.

The Govt. agree with the Board of Rev., ~~that as the case is not a difficult one and as the pleader is not entitled to fees for scrintory clerk and postage stamps and stationery~~ (LC) there is no sufficient reason for the grant of the enhanced fee of Rs.50/- to the Pleader for Govt. work at Karkal, South Kanara Dt. who conducted the defence of the Suit O.S.No.500/51 on the file of the District Munsif Karkal.

52697 E
26.7.

To the Board of Rev.(LR).
To the Collr.of South Kanara.

NOTE: The draft Order above may be sent to Home and Finance for accentance.

Home / Fin

Home (Cts. I) Dept.

The Board's reference in the cf. and the draft above may be perused and the file passed on to Finance.

Fin.

Fin (Accts)

The draft order above may be accepted

Rev Dept

Fin U.O. 71875 Accts/54-1 Dt 22.7.54.